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CENTRAL FAX CENTER**JUL 20 2007****REMARKS**

This response is intended as a full and complete response to the non-final Office Action mailed April 24, 2007. In the Office Action, the Examiner notes that claims 1-20 are pending and rejected.

It is to be understood that Applicants do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant response.

In view of the following discussion, Applicants submit that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. §103.

Rejection under 35 U.S.C. §103 of Claims 1-3, 7-17 and 20

The Examiner has rejected claims 1-3, 7-17 and 20 under 35 U.S.C. §103(a) as being unpatentable over Blumenau (U.S. Patent 6,108,637, hereinafter "Blumenau") in view of Stetten (U.S. Patent 3,746,780, hereinafter "Stetten"). For reasons stated below, Applicants respectfully submit that the rejection is overcome.

In rejecting Applicants' independent claim 1, the Examiner cited Blumenau as teaching the following:

"receiving, at a control unit (501 - Fig. 5B), a directive (monitoring instructions) for a system operator (301 - Fig. 5B) to use a particular terminal (501 - Fig. 5B) remote from the subscriber equipment (302 - Fig. 5B) to monitor a particular channel within a plurality of channels transmitted from a head-end (content provider site 301 - Fig. 5B) of the provider equipment to the subscriber equipment through a distribution node (303 - Fig. 5B) of the television distribution system (col. 22, lines 1-60)." (see pages 3-4 of Office Action)

Applicants disagree with this interpretation of Blumenau's teaching.

For ease of reference, the Office Action's analogies between elements in Blumenau and those of Applicants' claim 1 are summarized as follows.

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Elements in Applicants' claim 1	Elements in Blumenau Fig. 5B
control unit	application manager site 501
directive	monitoring instructions
system operator	content provider site 301
particular terminal (for monitoring a particular channel)	application manager site 501
subscriber equipment	content display site 302
head-end	content provider site 301
distribution node	network communication line 303

The Examiner relied on Blumenau's application manager site 501 as teaching both the control unit and the particular terminal (to monitor a particular channel transmitted from a head-end) in Applicants' claim 1.

However, such an interpretation is inconsistent with Blumenau's teaching of Figs. 5A-C as a whole. As will be shown below, there is no teaching in Blumenau that the application manager site 501 is used to monitor a particular channel, or that any terminal is provided at the application manager site for this purpose.

What Blumenau does teach, in one embodiment, is that the content display site 302 and content providers site 301 can communicate with each other via the network communication line 303 to enable transfer of content and monitoring instructions from the content provider site 301 to the content display site 302 (col.22, lines 6-11).

Blumenau further teaches that "[a]lternatively, the content and monitoring instructions can be transferred to the content display site 302 from the application manager site 501 in response to a request received from the content provider site 301 upon receipt of the request from the content display site 302" (col.22, lines 11-16, emphasis added).

That is, in both scenarios in Blumenau, the content and monitoring instructions are transferred to the content display site 302, i.e., the subscriber equipment.

Furthermore, Blumenau teaches that "the monitoring information obtained at the content display site 302 is transferred to the application manager site 501, either directly

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from the content display site 302 or indirectly by to content providers site 301" (col.22, lines 25-29).

In other words, the monitoring instructions in Blumenau are sent to the content display site 301, i.e., subscriber equipment, where the monitoring is performed. The monitoring information obtained at the subscriber equipment is then transferred to the application manager site 501. Blumenau does not teach using a particular terminal at the application manager site 501 to monitor the content being displayed at the subscriber equipment (otherwise, it will not be necessary to send the monitoring information to the application manager site 501).

It is clear that Applicants' claim 1 is totally different from Blumenau's teaching. In Applicants' invention, monitoring is done at a terminal that is remote from the subscriber equipment, but not at the subscriber equipment (as done in Blumenau). Furthermore, the directive to monitor a particular channel is received at a control unit, and not at the subscriber equipment or content display site 301, as taught by Blumenau.

Thus, Applicants submit that Blumenau does not teach at least the features of: "receiving, at a control unit, a directive for a system operator to use a particular terminal remote from the subscriber equipment to monitor a particular channel within a plurality of channels transmitted from a head-end of the provider equipment to the subscriber equipment", as provided in claim 1.

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.

Since there is no argument put forth in the Office Action that Stetten teaches the above features that are missing in Blumenau, Applicants submit that the combination of Blumenau and Stetten, alone or in combination, fail to teach or suggest all of the limitations recited in claim 1, and thus, fail to teach or suggest Applicants' invention as a whole.

As such, Applicants submit that independent claim 1 is patentable under 35 U.S.C. §103(a) over Blumenau in view of Stetten. Claims 10 and 20 recite relevant limitations similar to those recited in independent claim 1. Accordingly, independent claims 10 and 20 also are patentable under 35 U.S.C. §103(a) over Blumenau in view of Stetten.

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In rejecting dependent claims 9 and 16, the Examiner stated that Blumenau and Stetten fail to explicitly teach the respective features recited in these claims. With respect to claim 9, the Examiner took Official Notice that it is well known in the art to select a monitoring terminal from a plurality of terminals, and that usually, the terminal closest in location to the subscriber's home is selected. With respect to claim 16, Official Notice was taken that it is well known in the art to have a plurality of terminals of a plurality of terminal models.

Applicants traverse each Official Notice at least because the claim limitations that are rejected are believed to be not well known at least within the context of the independent claims from which these limitations depend.

Furthermore, Applicants submit that the criterion put forth by the Examiner regarding claim 9 – that of selecting a terminal closest to the subscriber's home, is not a necessary feature in Applicants' invention.

Nonetheless, claim 9 has been amended to clarify the plurality of terminals as comprising at least one model operable to mimic a terminal in the subscriber equipment. Claim 16 has been amended to clarify the plurality of terminal models as deployable in the subscriber equipment.

These amendments are fully supported in the original specification, e.g., at least on p. 24, lines 11-14 and lines 25-26. As such, no new matter has been added.

Since claims 2-3, 7-9, and 11-17 depend, either directly or indirectly, from independent claims 1 and 10 and recite additional limitations thereof, for at least the same reasons as discussed above, Applicants submit that these dependent claims are patentable under 35 U.S.C. §103(a) over Blumenau in view of Stetten.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

35 U.S.C. §103 Rejection of Claims 4-5 and 18-19

The Examiner has rejected claims 4-5 and 18-19 under 35 U.S.C. §103(a) as being unpatentable over Blumenau and Stetten as applied to claim 1/17 above, and further in view of Sitnik (US-2002/0010935A1, hereinafter "Sitnik"). Applicants respectfully traverse the rejection.

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Claims 4-5 and 18-19 depend directly or indirectly from independent claims 1 and 17. For at least the reasons discussed above, Blumenau and Stetten fail to teach or suggest Applicants' invention as recited in claims 1 and 17. Furthermore, no argument has been put forth in the Office Action that Sitnik supplies the teaching that is missing in either Blumenau or Stetten.

Accordingly, any attempted combination of the Blumenau and Stetten references with any other additional references, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claims. As such, Applicants submit that dependent claims 4-5 and 18-19 are patentable under 35 U.S.C. §103(a) over Blumenau and Stetten as applied to claim 1/17 above, and further in view of Sitnik.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

35 U.S.C. §103 Rejection of Claim 6

The Examiner has rejected claim 6 under 35 U.S.C. §103(a) as being unpatentable over Blumenau in view of Stetten as applied to claim 1 above, and further in view of Simsic (U.S. Patent 6,269,484, hereinafter "Simsic"). Applicants respectfully traverse the rejection.

Claim 6 depends directly from independent claim 1. For at least the reasons discussed above, Blumenau and Stetten fail to teach or suggest Applicants' invention as recited in claim 1. Furthermore, no argument has been put forth in the Office Action that Simsic supplies the teaching that is missing in either Blumenau or Stetten.

Accordingly, any attempted combination of the Blumenau and Stetten references with any other additional references, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claims. As such, Applicants submit that dependent claim 6 is patentable under 35 U.S.C. §103(a) over Blumenau and Stetten as applied to claim 1 above, and further in view of Simsic.

Therefore, Applicants respectfully request that the rejection be withdrawn.

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CONCLUSION

Thus, Applicants submit that none of the claims presently in the application are obvious under the provisions of 35 U.S.C. §103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall, at (732) 530-9404, so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: 7/20/07



Eamon J. Wall
Registration No. 39,414
Attorney for Applicants

PATTERSON & SHERIDAN, LLP
595 Shrewsbury Avenue, Suite 100
Shrewsbury, New Jersey 07702
Telephone: 732-530-9404
Facsimile: 732-530-9808

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